

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANGEL FERNANDEZ,

Petitioner,

v.

RONALD FRAKER,

Respondent.

CASE NO. C12-5426RBL

ORDER DENYING MOTION TO
AMEND OR VACATE JUDGMENT

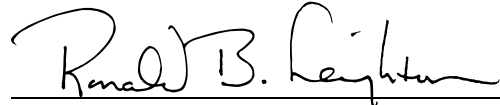
THIS MATTER comes before the Court on Petitioner's Motion to Amend or Vacate Judgment [Dkt. #16] pursuant to F.R.C.P. 59(e). The motion is more properly entitled Motion for Reconsideration. On August 29, 2012, U.S. Magistrate Judge J. Richard Creatura issued a Report and Recommendation (R&R) that recommended denying (1) Fernandez's Habeas Petition as time-barred and (2) a Certificate of Appealability (COA). See Dkt. #11. This Court adopted the R&R on October 11, 2012, dismissed Fernandez's Habeas Petition, and denied a COA. With that history, the petitioner has offered no new reliable evidence that was not presented before.

Under Local Rule 7, Motions for Reconsideration are disfavored, and will ordinarily be denied absent a showing of manifest error, or a new factual or legal basis which could not have

1 been raised earlier. Local Rule 7(h). This standard has not been met in this case, and the Court
2 will not reconsider its prior ruling.

3 It is therefore **ORDERED** that Plaintiff's Motion for Reconsideration incorrectly styled a
4 Motion to Amend or Vacate Judgment [Dkt. #16] is **DENIED**.

5 Dated this 29th day of November, 2012.

6
7 

8 Ronald B. Leighton
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24